

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

VOCALSPACE, LLC

Plaintiff,

v.

DANIEL D. LORENZO and  
LARKSPARK CORPORATION,

Defendant.

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Civil Action No. 4:09-CV-00350

**DEFENDANT'S EMERGENCY MOTION TO CONTINUE OR APPEAR VIA  
TELEPHONE THE HEARING OF MAY 27, 2011**

Defendants ask the court, on an emergency basis, to either continue the settlement conference hearing set for May 27, 2011 at 10:00 am at the Courthouse in Sherman, Texas, or to allow the defendants to appear via telephone.

**A. Introduction & Argument**

1. Plaintiff is Vocalspace, LLC.; defendants are Daniel D. Lorsenso and Larkspark Corporation.
2. Plaintiff sued defendants for copyright infringement and other claims.
3. The parties reached a mediated settlement agreement on March 12, 2011 just prior to the scheduled trial of this matter. The trial setting was passed.
4. The mediated settlement agreement of March 12, 2011 resolved the disputes between the parties, subject to a substantive final settlement agreement. The parties have not reached agreement on a substantive final settlement agreement.
5. Plaintiff filed an Emergency motion for Settlement Conference (Dkt # 223) and the

court has ordered the parties to appear in the courthouse in Sherman, Texas on Friday, May 27, 2011 at 10:00 am (Dkt #224).

6. Undersigned counsel for defendant has a corporate board meeting with his largest client set to take place in College Station, Texas at 11:00 am on Friday May 27. This board meeting was set months ago and is no "no miss" meeting for undersigned counsel due to some legal issues that must be discussed at the board meeting. The undersigned counsel can meet in person for a hearing any day other than May 27. Alternatively, if the court permits, undersigned counsel could appear via telephone at the scheduled time of 10:00 am on Friday May 27. If an in person hearing is required, undersigned counsel could appear May 25, May 26, or any day the week of May 30.

7. Undersigned counsel has filed a motion to withdraw at attorney for defendants in Docket 225. That motion is pending before this Court.

#### C. Conclusion

8. Defendants request this court continue the hearing set for May 27, 2011 or allow defendants attorney to appear via telephone at the scheduled time of 10:00 am on May

Respectfully submitted,

/s/ Ernest P. Nycz  
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that on May 24, 2011 I had a telephone conferences with opposing counsel (Neal Massand) on this motion to continue and he stated that he is opposed to the motion.

/s/ Ernest P. Nycz  
ERNEST P. NYCZ

VERIFICATION

I certify that the facts stated in this motion for continuance are within my personal knowledge and are true and correct. I declare this under penalty of perjury under the laws of the United States of America that foregoing is true and correct. Executed May 24, 2011.

/s/ Ernest P. Nycz  
ERNEST P. NYCZ

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2011 a true and correct copy of the foregoing emergency motion to compel has been electronically filed on the CM/ECF system, and sent via email to Neal Massand.

/s/ Ernest P. Nycz  
ERNEST P. NYCZ